

60130-1226
99MRA0205

On May 12, 2003, the Examiner attempted to speak with Applicant's representative, Kerrie Laba, but instead spoke with another attorney because Ms. Laba was not available. A summary of this interview is attached as part of Paper No. 10. Ms. Laba did subsequently have a telephone conversation with the Examiner in which the Examiner admitted the issuance of a final rejection in Paper No. 7 was premature. In this same telephone conversation, the Examiner further informed Applicant's representative that claims 20 and 22 were allowable over the cited prior art. The Examiner did not provide an interview summary of this conversation.

Ms. Laba agreed to consider the allowed claims and promised to call the examiner to discuss further proposed amendments to place the application in condition for allowance. Ms. Laba left a voicemail message outlining further proposed amendments to the claims but received no response from the Examiner. Instead, Applicant received a second final action, which was surprising as Applicant was under the assumption that since the previous action (Paper No. 7) was prematurely final and since the Examiner was willing to discuss amendments to the claims, that Applicant would actually have the opportunity to amend the claims if necessary. Thus, for the reasons set forth above, and for the reasons set forth in Applicant's April 10, 2003 response, Applicant asserts that the issuance of a final action was premature.

Even if the final rejection is deemed proper, the claims are allowable. Claims 16-35 remain in the application including independent claims 16 and 31. Claims 20 and 22 are indicated as allowable.

Claims 16-19, 21, and 23 stand rejected under 35 U.S.C. 102(b) as being anticipated by US 5582789 to *Stein et al. (Stein)*. In order to anticipate a claim under 35

60130-1226
99MRA0205

U.S.C. 102(b), the reference must show each and every feature of the claim. Claim 16 is a method claim directed to the formation of a trailer panel for attachment to a vehicle trailer, and which includes the steps of: (a) placing a layer of colored material in a mold; (b) placing a layer of polymeric material in the mold; (c) integrally molding the layer of colored material and the layer of polymeric material as one piece to form a generally flat trailer panel; and (d) mounting the trailer panel to a trailer superstructure frame. *Stein* does not disclose each of these features.

Stein is directed toward the formation of an interior trim panel for a vehicle door, which is very different than a trailer panel. Vehicle door panels are very small in size compared to trailer panels and involve more complex design constraints. For example, door panels must include an aesthetically pleasing interior appearance in addition to supporting door handle components, door locking mechanisms, window lifter mechanisms, for example. None of these concerns are relevant to trailer panels.

The Examiner argues that *Stein* discloses placing a layer of colored material 30 and a layer of polymeric material 20 in the mold to form a generally flat vehicle panel. The Examiner further argues that *Stein*'s panel would inherently be mounted into a trailer superstructure. Applicant traverses this characterization of *Stein*. There is no teaching anywhere in *Stein* of the formation of a generally flat trailer panel as claimed by Applicant. Further, there is no teaching of mounting the trailer panel to a trailer superstructure frame as claimed by Applicant.

While it is well settled that terms in a claim are to be given their broadest reasonable interpretation, this interpretation must be consistent with the specification, with claim language being read in light of the specification as it would be interpreted by

60130-1226
99MRA0205

one of ordinary skill in the art. In re Bond, 910 F. 2d 831, 833, 15 USPQ2d 1566, 1567 (Fed. Cir. 1990). The Examiner has improperly expanded the meaning of "trailer panel" and "trailer superstructure frame." As Figures 1 and 5 clearly illustrate, Applicant's invention is directed to a method of forming a large side panels for a trailer that is hauled by a tractor. Further, as described in the accompanying description at page 3, lines 17-20 of the subject application, the vehicle trailer 20, which is hauled by the tractor cab 22, includes a trailer superstructure 24. A plurality of layered composite panels 26 is then attached to the superstructure 24 to form the trailer 20.

One of ordinary skill in the art would never consider the vehicle door panel of *Stein* as corresponding to Applicant's claimed trailer panel, especially since the entire *Stein* reference is directed to the formation of a two-tone color fabric interior trim panel that is attached to a vehicle door. The interior trim panel that Examiner is equating to Applicant's claimed trailer panel is comprised of a flexible vinyl layer 10 and a foam insert 30. This fabric trim panel could never serve as a trailer panel because it would be incapable of withstanding the environmental and structure demands of a trailer panel. Thus, one of ordinary skill in the art would not consider the *Stein* interior trim panel as corresponding to Applicant's claimed trailer panel.

Further, there is no trailer superstructure shown anywhere in *Stein*, which the Examiner admits is not shown, but argues is inherent. One of ordinary skill in the art would never consider any structure in *Stein* as corresponding to Applicant's claimed trailer superstructure.

Finally, *Stein* does not teach every step set forth in claim 16. *Stein* teaches a method for attaching a separately formed interior trim insert to a piece of vinyl or cloth to

60130-1226
99MRA0205

form an interior trim door panel. This interior trim panel is subsequently attached to a vehicle door, which is then attached to a vehicle frame. This is very different than the steps set forth in claim 16. Applicant molds a layer of colored material and a layer of polymeric material as one piece to form the trailer panel itself, which is mounted to the trailer superstructure frame.

Claim 17 includes the step of placing an inner layer into the mold prior to step (b) to form an inner surface of the trailer panel. The Examiner argues that *Stein* discloses placing an inner layer 10 into the mold to form the inner surface of the trailer panel. As shown in Figure 2, insert 30 is clearly overlaid on top of a portion of layer 10. This contradicts the Examiner argument that the layer of colored material 30 forms the outer layer because 10 and 30 are both positioned on the same side of the panel. *Stein* does not teach placing an inner layer into the mold to form the inner surface of the trailer panel as claimed by Applicant in claim 17.

Claim 18 includes the feature that the formation of the layer of colored material in step (a) includes placing a sheet of colored material into the mold to form an outer layer presenting an outer surface of the trailer panel. The Examiner argues that the layer of colored material is insert 30, however, this insert 30 forms an *interior* trim panel of a vehicle door, clearly shown in Figure 1, and thus does not form an *outer* layer that presents an outer surface of a trailer panel as claimed by Applicant. Examiner's argument with regard to claim 18 is contradictory and confusing because none of the layers in *Stein* to which the examiner refers comprises an outer layer the presents an *outer* surface of a trailer panel. Applicant respectfully requests further explanation of this rejection.

60130-1226
99MRA0205

Claim 19 includes the feature that the outer layer comprises a paintless polymer film. Nowhere in *Stein* is the feature taught. The Examiner simply states, "*Stein*'s outer layer comprises a paintless polymer film," and does not indicate where this feature is disclosed in *Stein*. The Examiner argues that layer 30 in *Stein* is the colored layer that forms the outer surface of a trailer panel. However, the insert 30 is made from cloth or vinyl and has foam backing. There is absolutely no teaching of insert 30 being formed from a paintless polymer film. Thus, the rejection of claim 19 under 35 U.S.C. 102(b) is improper and must be withdrawn.

Claims 24, 25, 29, and 30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Stein* in view of US 5824251 to *Morrison et al.* (*Morrison*). For the reasons discussed above with regard to claims 16-18, *Stein* does not disclose the features as claimed by Applicant. Further, claim 24 includes the step of injecting a layer of insulation into the mold. The Examiner argues that col. 4, lines 5-8 of *Morrison* teaches this feature. This section simply refers to an injection of less dense foam backing for an interior trim panel. There is no teaching of injecting insulation into the mold as claimed by Applicant. Further, *Stein* already has a foam backing for the trim panel and *Morrison* is teaching replacement of one foam with a less dense foam, and does not teach injecting insulation in addition to the foam.

Claim 25 includes the step of injecting a structural support layer into the mold for forming at least one rib. The Examiner argues that col. 4, lines 9-20 of *Morrison* teaches this feature. This section of *Morrison* teaches the use of plastic beads that are subjected to heat to mold the substrate, where the substrate may include integral parts such as a molded bracket 46 or boss 47. Neither of these features (46 or 47) are shown in any of

60130-1226
99MRA0205

the drawings in *Morrison*. Further, claim 25 requires the injection of a support layer into the mold for forming a rib. While the Examiner argues that 46 and 47 can be interpreted as ribs, there is no teaching of injecting a support layer into the mold to form the ribs. Further, the subject application teaches the use of ribs to provide additional structure support. One of ordinary skill in the art would never consider bracket 46 or boss 47 of *Morrison* as corresponding to Applicant's claimed rib because bracket 46 and boss 47 would provide no additional structure support for the panel. Thus, there is no teaching of the formation of a rib as claimed by Applicant.

Claims 29 and 30 include the steps of forming electrical wiring conduits and electrical outlets in a trailer panel, respectively. Neither reference teaches these features. Both *Stein* and *Morrison* are directed toward formation of interior trim panel inserts for vehicle doors. Neither reference has any teachings that are relevant to the formation of trailer panels. Further, neither reference teaches formation of wiring conduits and electrical outlets in trailer panels as claimed by Applicant.

Claims 26-28 and 31-35 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Stein* in view of US 5403062 to *Sjostedt et al.* (*Sjostedt*). Claims 26-28 include method steps for different ways to mount the trailer panel to the trailer superstructure frame. The Examiner seeks to modify the attachment of the vehicle door panel taught by *Stein* to include the trailer panel mounting methods as taught by *Sjostedt*. Each method of attachment in *Sjostedt* results in a permanent attachment of the panel to the superstructure. The attachment methods are not selectively actuated to move the panels between open and closed positions. The only acceptable attachment of a vehicle door to a vehicle frame requires a pivoting or sliding attachment so that the door can be

60130-1226
99MRA0205

opened and closed to provide access to the passenger compartment. Thus, there is no motivation or suggestion to modify *Stein* with *Sjostedt*. Further, the types of attachment shown in *Sjostedt* would render the vehicle door of *Stein* inoperable as the door would not be able to be selectively opened.

Claim 31 is a method claim directed toward the production of panels to form a vehicle trailer and includes the steps of: (a) placing a layer of colored material in a mold; (b) placing a layer of polymeric material in the mold; (c) integrally molding the layer of colored material and the layer of polymeric material as one piece to form a generally flat trailer panel; (d) repeating steps (a) – (c) to form multiple trailer panels; and (e) mounting a plurality of trailer panels to a trailer superstructure frame to form a vehicle trailer. For the reasons discussed above with regard to claim 16, *Stein* does not disclose any type of method for making trailer panels. Further, for the reasons discussed above with regard to claims 26-28, there is no motivation or suggestion to modify *Stein* with *Sjostedt*.

Claim 32 includes the step of the step of placing an inner layer into the mold prior to step (b) to form an inner surface of the trailer panel. The Examiner argues that *Stein* discloses placing an inner layer 10 into the mold to form the inner surface of the trailer panel. As shown in Figure 2, insert 30 is clearly overlaid on top of a portion of layer 10. This contradicts the Examiner argument that the layer of colored material 30 forms the outer layer because 10 and 30 are both positioned on the same side of the panel. *Stein* does not teach placing an inner layer into the mold to form the inner surface of the trailer panel as claimed by Applicant in claim 32.

Claim 33 includes the feature that the formation of the layer of colored material in step (a) includes placing a sheet of colored material into the mold to form an outer layer

60130-1226
99MRA0205

presenting an outer surface of the trailer panel. The Examiner argues that the layer of colored material is insert 30, however, this insert 30 forms an *interior* trim panel of a vehicle door, clearly shown in Figure 1, and thus does not form an *outer* layer that presents an outer surface of a trailer panel as claimed by Applicant. Examiner's argument with regard to claim 33 is contradictory and confusing as none of the examiner's layers form an outer surface of a trailer panel. Applicant respectfully requests further explanation of this rejection.

Claim 34 includes the step of providing the superstructure frame with multiple support beams spaced apart from one another to form a plurality of trailer panel installation positions and further includes the step of installing one trailer panel in each installation position. The Examiner argues it would be obvious to modify *Stein* to include multiple support beams spaced apart from one another to form plurality of trailer panel installation positions "to provide a more efficient way to interconnect a plurality of structure members together and thus optimize the overall structure integrity."

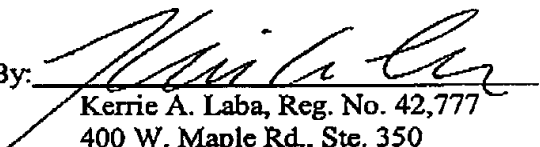
Stein is directed to an interior trim panel and has nothing to do with a trailer structure. There would be absolutely no reason to incorporate multiple support beams in *Stein* to form a trailer. The Examiner has pointed to no teaching in *Sjostedt* of any particular benefit to be derived from this arrangement and there is nothing in *Stein* that would have led one of ordinary skill in the art to believe that the *Stein* arrangement was in any way deficient for *Steins'* purposes or was in need of modification. One of ordinary skill in the art would have found no reason, suggestion, or incentive for attempting to combine these references so as to arrive at the claimed subject matter other than through

60130-1226
99MRA0205

the luxury of hindsight accorded one who first viewed Applicant's disclosure. This is not the proper basis for a rejection.

Applicant asserts that all claims are in condition for allowance and respectfully requests an indication of such. Applicant believes that no additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees.

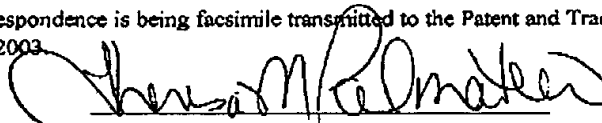
CARLSON, GASKEY & OLDS

By: 
Kerrie A. Laba, Reg. No. 42,777
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: July 16, 2003

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9303) on July 16, 2003.


Theresa M. Palmateer

N:\Clients\MERITOR\MP01226\PATENT\Second Request For Reconsideration.doc